

3745-33-01

Definitions.

Except as otherwise provided in this rule, the definitions in sections 6111.01 and 6111.13 of the Revised Code shall have the same meaning in this chapter as in those sections.

~~(A) Except as otherwise provided in this rule, the definitions in sections 6111.01 and 6111.13 of the Revised Code shall have the same meaning in this rule as in that section.~~

(A)

~~(B)~~(1) "Act" means Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) 33 U.S.C. sections 1251 to 1387 as amended through ~~July 1, 2010~~July 1, 2017.

~~(C)~~(2) "Administrator" means the administrator of the ~~U.S.~~United States environmental protection agency.

~~(D)~~(3) "Applicable water quality standards" means all water quality standards that apply under Chapter 3745-1 of the Administrative Code and under federal regulations to the waters of the state, except as defined in rule 3745-33-07 of the Administrative Code.

~~(E)~~(4) "Applicable effluent guideline" means a treatment-technology performance standard, prohibition, or other performance standard promulgated by ~~USEPA~~U.S. EPA under section 301, 306, or 307 of the act.

~~(F)~~(5) "Applicable effluent standards and limitations" means all state and federal effluent standards; and limitations to which a discharge is subject under the act, including; but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions; and pretreatment standards.

~~(G)~~(6) "Applicant" means any person who ~~files~~applies for an Ohio NPDES permit.

~~(H)~~(7) "Application" means the form used to apply for an Ohio NPDES permit.

~~(I)~~(8) "Area of initial mixing" or "AIM" means the limited zone where discharge-induced mixing causes the effluent to mix rapidly with the receiving water such that the area may not be physically inhabitable by aquatic life. The inside mixing zone maximum criteria may be exceeded within the AIM, but must be met on the perimeter of the AIM.

(B)

~~(J)~~(1) "Best management practices" or "BMPs" means activities, prohibitions or practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

~~(K)~~(2) "Biological index measurement" means a measurement of fish or macroinvertebrate communities in a water of the state using the index of biological integrity (IBI), modified index of well being (miwb)~~Iwb~~ or the invertebrate community index (ICI) indices as specified in "Biological Criteria for the Protection of Aquatic Life: Volume II, Users Manual for Biological Field Assessment of Ohio Surface Waters," October 30, 1987, updated January 1, 1988, amended September 30, 1989, updated November 8, 2006.

~~(L)~~(3) "Building sewer" means ~~that~~the part of the horizontal piping of drainage system that receives and conveys the discharge from a building drain to the public sanitary sewer, private sanitary sewer or other point of disposal.

(C)

~~(M)~~(1) "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)" means Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. sections 9601 to 9675 as amended through ~~July 1, 2010~~July 1, 2017.

~~(N)~~(2) "Cost effective" means the optimum combination of monetary costs, environmental impacts, system operability and reliability, and public acceptance.

(D)

~~(O)~~(1) "Director" means the director of the Ohio environmental protection agency.

~~(P)~~(2) "Discharge" means discharge of any pollutant or pollutants from a point source.

~~(Q)~~(3) "Discharge of a pollutant or pollutants" means any addition of any pollutant to waters of the state from a point source.

~~(R)~~(4) "Domestic sewage" means waste and wastewater from household operations that are discharged to or otherwise enter treatment works.

(E)

(1) "EC50" means the median effective concentration which is a statistically or graphically estimated concentration that is expected to cause one or more specified effects in fifty per cent of a group of organisms under specified conditions.

(F)

~~(S)~~(1) "Federal NPDES permit application" means an application for a discharge permit filed under the 1899 Refuse Act (33 U.S.C. sections 407 to 426 as amended through ~~July 1, 2010~~July 1, 2017) or an application for a discharge permit filed under the act.

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(1) "LC50" means the median lethal concentration which is a statistically or graphically estimated concentration that is expected to be lethal to fifty per cent of a group of organisms under specified conditions.

(M)

~~(F)~~(1) "Method detection limit" or "MDL" means the same as defined in section 6111.13 of the Revised Code.

~~(U)~~(2) "Minimum level" or "ML" means the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration of a pollutant in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

(N)

~~(V)~~(1) "Nonpoint source" means any source of pollutants other than those defined or designated as point sources.

~~(W)~~(2) "NPDES" means national pollutant discharge elimination system.

(O)

~~(X)~~(1) "Ohio EPA" means the Ohio environmental protection agency or its director, as the context or other law or regulations may require.

~~(Y)~~(2) "Ohio NPDES permit" means a permit issued by the state of Ohio for a point source discharge that authorizes discharge levels to be protective of human health and the environment, ~~is either in compliance with authorized discharge levels or that includes a schedule that will bring the point source into compliance with authorized discharge levels.~~

(P)

~~(Z)~~(1) "Person" means the same as defined in section 6111.01 of the Revised Code.

~~(AA)~~(2) "Point source" means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft; from which pollutants are or may be discharged.

~~(BB)~~(3) "Pollutant" means sewage, industrial waste or other waste as defined by divisions (B) to (D) of section 6111.01 of the Revised Code.

~~(CC)~~(4) "Practical quantification level" or "PQL" means the same as defined in section 6111.13 of the Revised Code.

~~(DD)~~(5) "Preliminary effluent limit" or "PEL" means the most stringent applicable wasteload allocation (WLA) expressed as both an average and a maximum. The average PEL is the lowest WLA to maintain chronic criteria and the maximum PEL is the lowest WLA to maintain acute criteria.

(6) "Process wastewater" means any water that during manufacturing or processing comes into direct contact with, or results from, the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

~~(EE)~~(7) "Projected effluent quality" or "PEQ" means the estimated level of a pollutant in an effluent, as established in rule 3745-2-04 of the Administrative Code.

~~(FF)~~(8) "Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of domestic sewage or industrial waste of a liquid nature that is owned by a municipality, county or state entity or any public body created under state law that has authority over disposal of sewage.

(Q)

~~(GG)~~(1) "Quantification level" or "QL" means a measurement of the concentration of a pollutant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection limit. The QL is considered the lowest concentration at which a particular pollutant can be measured using a specified laboratory procedure for the monitoring of the pollutant.

(R)

~~(HH)~~(1) "Reasonable potential" means the likelihood of a pollutant to cause or contribute to an excursion of water quality standards. ~~For chemical-specific determinations, a grouping system for assessing whether to establish WQBELs as limits in NPDES permits consists of five categories that rank the reasonable potential.~~

(a) For determinations of reasonable potential with respect to numeric chemical-specific water quality standards, a grouping system for assessing whether to establish water quality-based effluent limitations as limits in NPDES permits consists of five categories that rank the reasonable potential.

~~(+)~~(i) "Group one" pollutants have no applicable criteria and the director has determined that data are insufficient to calculate criteria or values. The reasonable potential for this group cannot be determined.

~~(2)~~(ii) "Group two" pollutants have minimal potential based on water quality data to cause or contribute to a water quality excursion.

~~(3)~~(iii) "Group three" pollutants have some potential based on water quality data to cause or contribute to a water quality excursion;

permit requirements may not be warranted based solely on water quality considerations.

~~(4)~~(iv) "Group four" pollutants have significant potential based on water quality data to cause or contribute to a water quality excursion; permit monitoring requirements are generally warranted based solely on water quality considerations.

~~(5)~~(v) "Group five" pollutants have the highest potential based on water quality data to cause or contribute to a water quality excursion; permit limitations are generally warranted based solely on water quality considerations.

(b) For determinations of reasonable potential with respect to whole effluent toxicity, the procedures in rules 3745-02-09 and 3745-33-07 of the Administrative Code shall be followed.

(c) For determinations of reasonable potential to cause or contribute to exceedances of the narrative criteria in rule 3745-1-04 of the Administrative Code, the director will use available environmental indicators (chemical, physical, biological) relative to the specific criterion being evaluated and modeling appropriate to the indicator designed to relate the source being evaluated to the indicator of the specific narrative criterion.

~~(H)~~(2) "Regional administrator" means the administrator of U.S. environmental protection agency, region V.

~~(J)~~(3) "Reservoir" means any impoundment, or any potential impoundment, that will be created by a dam.

~~(K)~~(4) "Resource Conservation and Recovery Act (RCRA)" means Resource Conservation and Recovery Act, 42 U.S.C. 6901 to 6992 as amended through ~~July 1, 2010~~July 1, 2017.

(S)

~~(L)~~(1) "Schedule of compliance" means the same as defined in section 6111.01 of the Revised Code.

~~(M)~~(2) "Semi-public disposal system" means a disposal system that treats the sanitary sewage discharged from publicly or privately owned buildings or place of assemblage, entertainment, recreation, education, correction,

hospitalization, housing or employment, but does not include a disposal system that treats sewage in amounts of more than twenty-five thousand gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of division (F) of section 6111.04 of the Revised Code; or a disposal system for the treatment of industrial waste.

~~(NN)~~(3) "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system or a holding tank when the system is cleaned and maintained.

~~(OO)~~(4) "Sewage sludge" means the same as defined in section 6111.01 of the Revised Code.

~~(PP)~~(5) "Surface waters of the state" or "water bodies" means the same as defined in rule 3745-1-02 of the Administrative Code.

(T)

~~(QQ)~~(1) "Tier I criteria" means the same as defined in rule 3745-1-02 of the Administrative Code.

~~(RR)~~(2) "Tier II ~~value~~values" means the same as defined in rule 3745-1-02 of the Administrative Code.

(3) "Total toxic organic pollutants" or "toxic organics" means the organic chemicals listed in 40 C.F.R. Part 122, Appendix D, as amended through July 1, 2017.

(4) "Total toxic organics" or "TTO" means the subset of toxic organic pollutants regulated in federal treatment technology-based standards in 40 C.F.R. Parts 401 through 471, as amended through July 1, 2017.

~~(SS)~~(5) "Toxicity test" means a test that determines the toxicity of a chemical, substance, wastewater effluent; or other aqueous mixture, using living organisms. A toxicity test measures the degree of response of exposed test organisms to a specific chemical substance, wastewater effluent; or other aqueous mixture.

(6) "Treatment additive" means a chemical or substance used to improve the characteristics of incoming water or to treat wastewater for purposes such as corrosion inhibition, particle flocculation or disinfection. These include substances used in cooling water, boiler water or in wastewater treatment systems.

(7) "Treatment technology-based effluent limitations" or "TBELs" means limits

established based on the performance of treatment technologies. These include federal treatment standards established in 40 C.F.R. Part 133, and 40 C.F.R. Parts 401 through 471 as amended through July 1, 2017, best available demonstrated control technology (BADCT) treatment standards established by Ohio EPA pursuant to rule 3745-1-05 of the Administrative Code, and any such limitations established pursuant to rules 3745-33-05 and 3745-33-06 of the Administrative Code.

(U)

~~(TT)~~(1) "Upground reservoir" means a reservoir formed by artificial barriers on two or more sides and that impounds water or liquefied material pumped or otherwise imported from an exterior source. Lagoons are considered upground reservoirs.

(2) "U.S. EPA" means the United States environmental protection agency.

(V)

(W)

~~(UU)~~ "Wastewater treatment facility" means treatment works as defined by division ~~(F)~~ of section 6111.01 of the Revised Code that convey or may convey effluents that will be discharged into the waters of the state.

~~(VV)~~ "USEPA" means the United States environmental protection agency.

~~(WW)~~(1) "Wasteload allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. In the absence of a TMDL or TMDL implementation plan, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

(2) "Wastewater treatment facility" means treatment works as defined by division (F) of section 6111.01 of the Revised Code that convey or may convey effluents that will be discharged into the waters of the state.

~~(XX)~~(3) "Water quality based effluent limitation" or "WQBEL" means an effluent limitation determined on the basis of water quality standards (contained in Chapter 3745-1 of the Administrative Code) or wasteload allocation procedures (contained in Chapter 3745-2 of the Administrative Code).

~~(YY)~~(4) "Waters of the state" means the same as defined in section 6111.01 of the Revised Code.

~~(ZZ)~~(5) "WET level" means numeric values defined in rule 3745-2-09 of the Administrative Code.

~~(AAA)~~(6) "Whole effluent toxicity" or "WET" means the total toxic effect of an effluent measured directly with a toxicity test.

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(AA)

~~(BBB)~~(1) As used in this chapter "40 C.F.R." means Title 40 of the Code of Federal Regulations effective July 1, 2010 as amended through July 1, 2017 and "50 C.F.R." means Title 50 of the Code of Federal Regulations effective July 1, 2010 as amended through October 1, 2017.

[Comment: The Code of Federal Regulations can generally be found in public libraries, and can be viewed electronically online at <http://www.gpo.gov/fdsys/> and purchased by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburg, PA 15250-7954." "U.S. Government Publishing Office Bookstore, 710 North Capitol Street N.W., Washington, D.C. 20403."]